

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 98-593

September 9, 1999

MID-MAINE TELPLUS  
Request for Arbitration of an  
Interconnection Agreement with  
Bell Atlantic

ORDER ON MID-MAINE  
TELPLUS' MOTION FOR CASE  
CONFERENCE AND TO  
ESTABLISH TIMETABLE FOR  
CONTRACT FINALIZATION

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WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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On March 15, 1999, Mid-Maine Telplus filed a Motion for Case Conference and to Establish Timetable for Contract Finalization. Until now, we have not addressed that motion.

During the spring and summer, following our Orders issued on March 31 and April 9, 1999, Bell Atlantic and MMTP, with the assistance of the Commission's Staff, have continued negotiations on contract language, on issues that were not resolved by the Orders and on issues that are outgrowths of the issues we did decide. The parties have resolved many matters. Nevertheless, certain issues remain unresolved.

On September 2, 1999, MMTP filed an Amended Motion to reflect changed circumstances and timeframes.<sup>1</sup> The Amended Motion requests that the Commission establish precise procedures (e.g., a deadline for negotiations and a telephone conference on a specified date to address all remaining issues) and delegate to the Commission's advisors the authority to decide the substantive issues.<sup>2</sup> The Motion also describes (in summary form) the remaining substantive issues.

We grant MMTP's motion in part. We agree with MMTP that the period since our decisions in late March and early April has been too lengthy and that resolutions of the remaining issues should be expedited, approximately within the time frames suggested in MMTP's motion. We will not, however, delegate the ultimate decision making responsibility for the substantive questions outlined in MMTP's motion to the advisors. The advisors instead shall prepare an Examiner's Report with their recommendations

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<sup>1</sup> MMTP filed the motion both in the arbitration proceeding, referenced above, and in the case, Docket No. 98-806, that has become a separate investigation under state law to address subloops and extended links. Because the Amended Motion does not involve those issues, we address it only in the context of the arbitration proceeding under the federal TelAct.

<sup>2</sup> 35-A M.R.S.A. § 107(4) states "the Commission may delegate to its staff such power and duties as the Commission finds proper."

for our decisions on the remaining issues. The parties will be afforded a brief opportunity to present exceptions to those recommendations. Deliberations shall occur at the earliest possible date following exceptions.

The advisors shall establish the exact format of the proceedings and the schedule.<sup>3</sup> The proceedings shall provide the parties with due process and the Commission with evidentiary bases that will allow us to make any factual findings we must make in support of our decisions.

Dated at Augusta, Maine, this 9<sup>th</sup> day of September, 1999.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
                                                 Nugent  
                                                 Diamond

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<sup>3</sup> The Commission's hearing examiners appear to have full authority to establish procedures and schedules pursuant to 35-A M.R.S.A. § 1305(2) and 5 M.R.S.A. § 9062. Nevertheless, to the extent necessary, we delegate, pursuant to 35-A M.R.S.A. § 107(4), any additional authority we may have in these areas to the hearing examiner in this case.